

The background of the slide features a stylized, dark blue graphic of multiple raised fists, symbolizing protest or solidarity. The fists are arranged in a circular pattern, with some in the foreground and others receding into the background, creating a sense of depth. The overall color scheme is a gradient of dark blues.

AB 2417: A BILL OF RIGHTS FOR INCARCERATED YOUTH

For Los Angeles County Probation Oversight Commission
February 23, 2023

Presenters:

Laura Ridolfi (W. Haywood Burns Institute)
Liz Braunstein (LA County Public Defender)

AB 2417

1. Built from former DJJ Bill of Rights and Foster Care Bill of Rights, and expanded rights

2. Strengthened
Ombudsperson Office
Authority

Addressing Three Questions about AB 2417

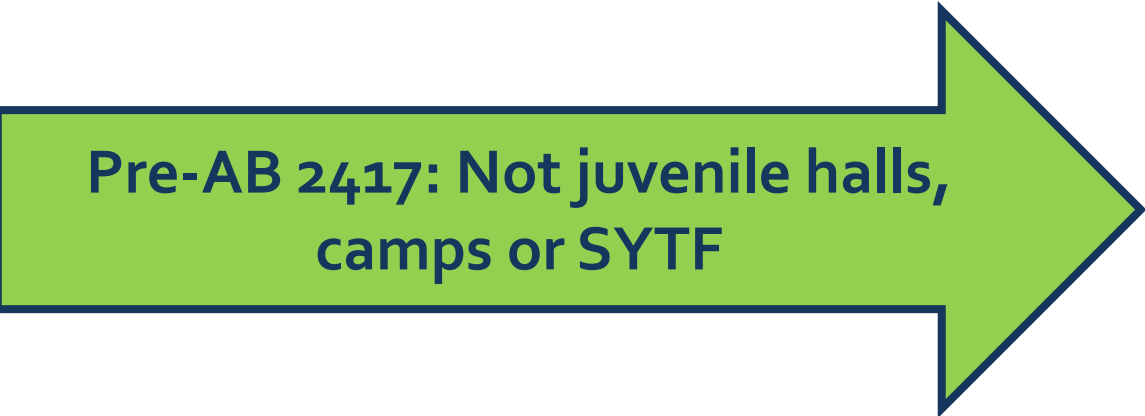
- 1) Why was The Youth Bill of Rights Needed?
- 2) What does The Youth Bill of Rights Do?
- 3) What role should POC play in the Implementation of the Bill of Rights?

Prior to AB 2417, there was a “Bill of Rights” for youth who were incarcerated, **but...**

It only applied to youth who are in the state’s youth prisons (DJJ).



Pre-AB 2417: only DJJ



Pre-AB 2417: Not juvenile halls, camps or SYTF

It did not apply to youth in local lock-ups.

BOS resolution

MOTION BY SUPERVISORS SHEILA KUEHL AND
HILDA L. SOLIS

**Safeguarding the Rights of Incarcerated Youth: Support and Implementation of
State Assembly Bill Number 2417**

AGN. NO.
May 3, 2022

The Board of Supervisors has adopted a bold vision for youth justice in Los Angeles County. It's a Care First, Jails Last vision that prioritizes equity and accountability, recognizes the need for trauma- and healing-informed responses, and emphasizes healthy youth development as a fundamental objective. The Youth Justice Reimagined model is in development and has great momentum, as demonstrated by the Board's recent action to establish a Department of Youth Development.

As the County, community stakeholders, and advocacy groups work to reimagine youth justice, more than 350 youth remain incarcerated in the County's Juvenile Halls and Probation Camps. With the imminent closure of the State's Division of Juvenile Justice (DJJ), the County will continue to have incarcerated youth in its care and the length of their custody commitments may be longer than those of youth who have historically been held in the County. The County's responsibility to these young people

MOTION

SOLIS

KUEHL

HAHN

BARGER

MITCHELL

“Regardless of whether AB 2417 passes and becomes law or not, youth who are incarcerated in Los Angeles County deserve to have each of these rights acknowledged, communicated to them, **and enforced by those who are responsible for their care.** This includes County staff, contractors, partners, and others who work within the County’s Juvenile Halls and Probation Camps. Beyond being posted and explained to youth, **feedback elicited directly from incarcerated youth should serve as the measure of the County’s success in safeguarding the rights afforded to them in the Bill of Rights.**”

#MeTooBehindBars

No Safe Place: When LA County Probation Officials Got Reports That A Staff Member Sexually Assaulted A Teenager, Why Did They Fail To Protect Her?

July 8, 2021 • by Celeste Fremon • 12 Comments

LA County Probation

Violence & Vanishing Supervisors At Barry J. Nidorf Juvenile Hall

April 18, 2022 • by Celeste Fremon • 41 Comments

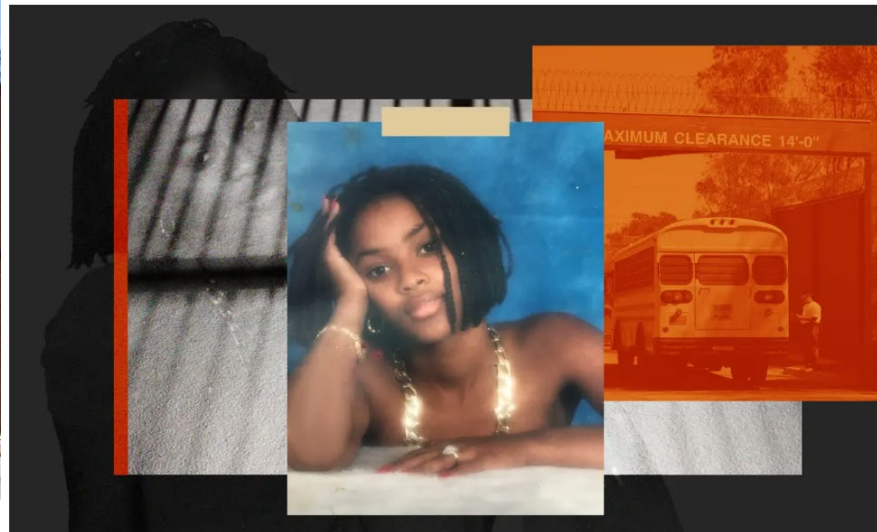


Chaos in L.A. County's juvenile halls and what it means for incarcerated kids

Survivors recount rampant abuse at Los Angeles' juvenile jails: 'Helpless, hopeless, lost and lonely'



Barry J. Nidorf Juvenile Hall (Kent Nishimura / Los Angeles Times)



CHAPTER 2 - Juvenile Court Law
ARTICLE 23 - Wards and Dependent Children—Juvenile Halls
Section 851.1.

Universal Citation: CA Welf & Inst Code § 851.1 (2018)

851.1.

(a) (1) Minors detained in or committed to a juvenile hall shall be provided with access to computer technology or the Internet for the purposes of education.

(2) Minors detained in or committed to a juvenile hall may be provided with access to computer technology or the Internet for maintaining relationships with family.

(b) This section does not limit the authority of the chief probation officer, or his or her designee, to limit or deny access to computer technology or the Internet for safety and security or staffing reasons.

(Added by Stats. 2018, Ch. 997, Sec. 3. (AB 2448) Effective January 1, 2019.)



Assembly Bill 2417 does not create new rights. Existing state and federal law already required counties to provide basic protections for youth who are incarcerated.

ARTICLE 15. Wards—Temporary Custody and Detention [625 - 641] (Heading of Article 15 renumbered from Article 6 by Stats. 1976, Ch. 1068.)

627. (a) When an officer takes custody of a minor from a juvenile hall or from another place of confinement pursuant to this article, the officer shall take immediate steps to ensure that the minor is taken to a place of confinement such as a county jail, a state prison, or a federal prison, or to a place where the minor is being held. (b) Immediately after being taken into custody, the minor shall, except where physically impossible, no later than one hour after the minor has been taken into custody, make at least two telephone calls from the place where the minor is being held, one call completed to the minor's family, or to the minor's parent, or to the minor's guardian, or to the minor's attorney, or to the minor's employer, and another call completed to an attorney. The calls shall be at public expense, if the calls are completed within the local calling area, and in the presence of a public officer or employee. Any public officer or employee who willfully deprives a minor of their right to make such telephone calls is guilty of a misdemeanor. (c) Immediately after being taken to a place of confinement pursuant to this article, and no later than two hours after a minor has been taken into custody, the probation officer shall immediately notify the public defender, or if there is no public defender, the indigent defense provider for the county, that the minor has been taken into custody.

(Amended by State 2022 Ch. 289, Sec. 2 (AB 2644) Effective January 1, 2023.)

WELFARE AND INSTITUTIONS CODE - WIC

However

Relevant statutes and regulations are spread over several codes and the Title 15 regulations that are long, complicated, and hard to understand. Assembly Bill 2417 put the most important rights for young people in one place and sets in place mechanisms for ensuring that youth know those rights.

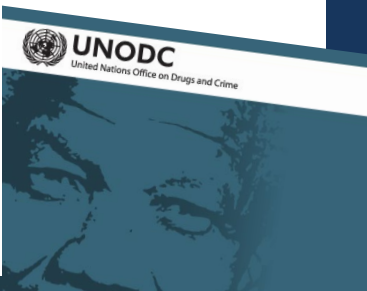
Title 15
For Juveniles
Title 15
Division

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS
2590 VENTURE OAKS WAY, STE 200 • SACRAMENTO CA 95833 • WWW.BSCC.CA.GOV

maintaining relationships with family.

(b) This section does not limit the authority of the chief probation officer, or his or her designee, to limit or deny access to computer technology or the Internet for safety and security or staffing reasons.

(Added by Stats. 2018, Ch. 997, Sec. 4. (AB 2448) Effective January 1, 2019.)



Welfare and Institutions Code 224.71.

It is the policy of the state that all youth confined in a juvenile facility shall have the following rights, which are established by existing law and regulation:

- a) To live in a safe, healthy, and clean environment conducive to treatment, positive youth development, and healing and where they are treated with dignity and respect.
- b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- c) To receive adequate and healthy meals and snacks, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products shall be adequate and respect the child's culture, ethnicity, and gender identity and expression.
- d) To receive adequate, appropriate, and timely medical, reproductive, dental, vision, and mental health services provided by qualified professionals and consistent with current professional standards of care.
- e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious bodily harm.
- f) To not be searched for the purpose of harassment or humiliation, a form of discipline or punishment, or to verify the youth's gender. To searches that preserve the privacy and dignity of the person and to have access to a written search policy at any time, including the policy on who may perform searches.
- g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail. Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.
- h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations.
- i) To have fair and equal access to all available services, housing, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, language, color, religion, sex, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.
- j) To have daily opportunities for age-appropriate physical exercise and recreation, including time spent outdoors and access to leisure reading, letter writing, and entertainment.
- k) To contact attorneys, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.
- l) To exercise the religious or spiritual practice of their choice and to participate in or refuse to participate in religious services and activities.
- m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, family, or attorneys, sleep, exercise, education, bedding, clothing, access to religious services, a daily shower, clean water, a toilet, hygiene products, medical services, reading material, or the right to send and receive mail; to not be subject to room confinement as a disciplinary measure; to access written disciplinary policies, including the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.
- n) To receive a rigorous, quality education that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education; to attend appropriate level school classes and vocational training; to have access to postsecondary academic and career technical education courses and programs; to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical status; and to have access to information about the educational options available to youth.
- o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and post partum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery; to not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary; and to access written policies about pregnant, post partum, and lactating youth.
- p) To attend all court hearings pertaining to them.
- q) To have counsel and a prompt probable cause hearing when detained on probation violations.
- r) To make at least two free telephone calls within an hour after initially being placed in a juvenile facility following an arrest.

AB 2417
enumerates
various rights
for incarcerated
youth that are
meant to
represent the
floor.

Basic Human Rights

- a) To live in a **safe, healthy, and clean environment** conducive to treatment, positive youth development, and healing and where they are treated with dignity and respect.
- b) To be **free from physical, sexual, emotional, or other abuse**, or corporal punishment.
- c) To receive adequate and healthy meals and snacks, **clean water** at any time, **timely access to toilets**, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products shall be adequate and respect the child's culture, ethnicity, and gender identity and expression.



Education

n) To **receive a rigorous, quality education** that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education; to attend appropriate level school classes and vocational training; **to have access to postsecondary academic and career technical education courses and programs**; to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical status; and to have access to information about the educational options available to youth.



Right to Exercise and Against Deprivation

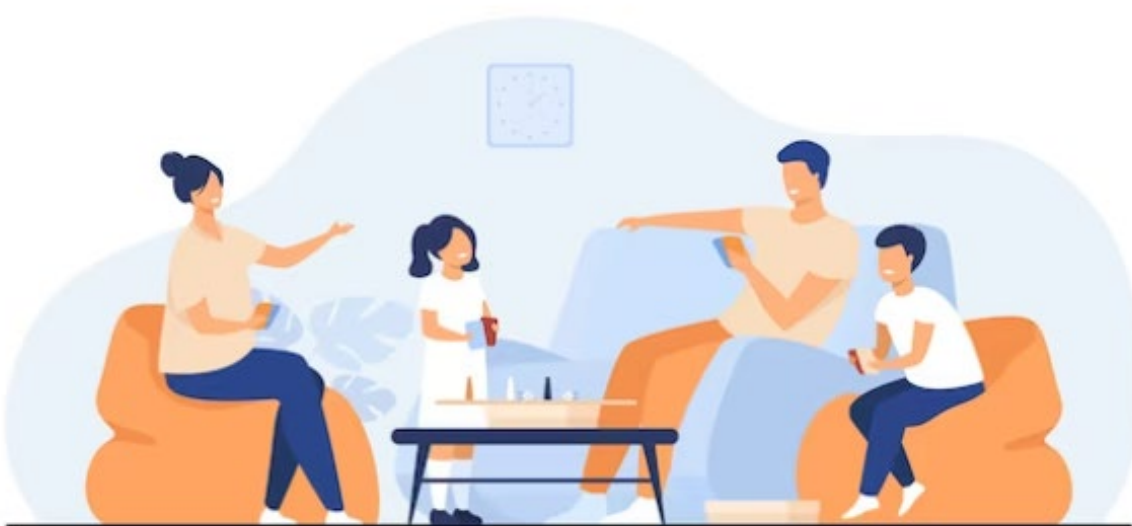
- j) To have **daily opportunities for age-appropriate physical exercise and recreation**, including time spent outdoors and access to leisure reading, letter writing, and entertainment.
- m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, family, or attorneys, sleep, exercise, education, bedding, clothing, access to religious services, a daily shower, clean water, a toilet, hygiene products, medical services, reading material, or the right to send and receive mail; to **not be subject to room confinement as a disciplinary** measure; to access written disciplinary policies, including the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.



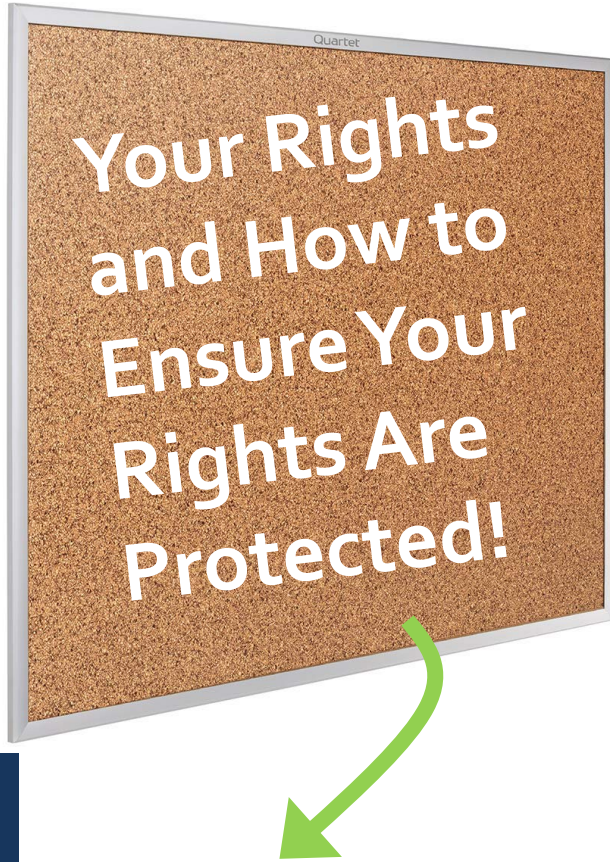
Visitation

- g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and **extended family members**, through visits, telephone calls, and mail. Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.

“extended family member” defined as any adult related to the youth by blood, adoption, marriage, and any adult who as established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors and family friends.



Posting of Rights (WIC 224.72)



(a) Every juvenile facility shall provide each youth who is placed in the facility with an **age and developmentally appropriate orientation** that includes an **explanation and a copy of the rights and responsibilities of the youth**, as specified in Section 224.71, and that addresses the youth's questions and concerns.

(b) Each juvenile facility **shall post a listing of the rights provided by Section 224.71 in a conspicuous location, including classrooms and living units.**

(c) A copy of the rights of the youth shall be included in orientation packets provided to **parents or guardians** of wards. Copies of the rights of youth in English, Spanish, and other languages shall also be made available in the visiting areas of juvenile justice facilities and, upon request, to parents or guardians.

WIC 224.74:

The Office of Youth and Community Restoration, **in consultation with youth, youth advocate and support groups**, and groups representing children, families, children's facilities, and other interested parties, shall develop, no later than **July 1, 2023**, standardized information explaining the rights specified in Section 224.71. The information developed shall be age-appropriate.

Office of Youth and Community Restoration (OYCR)

First Ever State Agency to oversee the care and custody of youth in the justice system.



OYCR's Bold Mission:

"to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities."

OYCR has numerous duties including the **Office of the Ombudsperson**

Ombudsperson Authority

❑ **Investigate complaints** from youth in “juvenile facilities” and follow up with complainant – in writing- on action taken

❑ Action → Investigate, refer, decline to investigate.

❑ **Provide regular reports** to Legislature about complaints received and findings

❑ **Meet or communicate privately** with any youth

❑ **Access, visit, and observe juvenile facilities** and premises serving youth involved in the juvenile justice system (48- hour notice).

See: WIC 2200(d), WIC 2200.2, WIC 2200.5

THE OMBUDSPERSON CAN HELP!

HAVE A QUESTION OR CONCERN WITH HOW YOU ARE BEING TREATED OR THE CONDITIONS OF A JUVENILE JUSTICE FACILITY?

CALL THE OMBUDSPERSON!

WHAT IS AN OMBUDSPERSON?
A person whose job it is to help you if you are in a juvenile justice facility in California and need help to solve problems with how you are being treated.

THE OMBUDSPERSON WILL:

- Keep the things you discuss confidential.
- Help try to solve the problem.
- Help you understand your rights.
- Answer your questions.

THE OMBUDSPERSON CANNOT:

- Give legal advice or change court orders.
- Investigate complaints about attorneys or judges.

THE PROCESS:

- You call or email us about a problem.
- The Ombudsperson will speak with you to get information about the problem.
- The Ombudsperson will do research and may investigate the complaint and attempt to resolve the problem.
- The Ombudsperson will follow up with you.

GET IN TOUCH!

- 📞 1-844-402-1880
- ✉️ OYCRombuds@chhs.ca.gov
- 📍 OYCR Ombudsperson
1215 O Street
Sacramento, CA 95814

The Ombudsperson is an independent problem-solver responsible for investigating complaints and attempting to resolve them for the people involved. As a youth in a juvenile justice facility, you have the right to ask a question or file a complaint with the Office of Youth and Community Restoration (OYCR) Ombudsperson if your rights have been violated or ignored or you are concerned about the condition of the facility you are in. You cannot be punished or threatened for making a complaint. If you are not sure how we can help, please call.

CalHHS

Role of POC in AB 2417 Implementation

1. Read the Bill of Rights!

2. During inspections:

- ☐ Check if the Bill of Rights are posted
- ☐ Check if orientation to Bill of Rights is happening
- ☐ Observe whether rights in AB 2417 are being followed
- ☐ Ask the youth about the specific rights enumerated in AB 2417
- ☐ Ensure youth know about how to contact ombudsperson

3. Maintain open line of communication with Ombudsperson

And remember the AB 2417 BOS motion:

"feedback elicited directly from incarcerated youth should serve as the measure of the County's success in safeguarding the rights afforded to them in the Bill of Rights."



Questions? Contact Us



- Laura Ridolfi, lrldolfi@burnsinstitute.org
- Liz Braunstein, lbrownstein@pubdef.lacounty.gov

